

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RUEMONDO GOOSBY,

Petitioner,

v.

Case Number 09-12363-BC
Honorable Thomas L. Ludington

THOMAS K. BELL,

Respondent.

**ORDER DISMISSING AS DUPLICATIVE PETITION FOR WRIT OF HABEAS
CORPUS**

Petitioner Ruemondo Goosby is currently confined at the Gus Harrison Correctional Facility in Adrian, Michigan. He has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner was convicted of carjacking, Mich. Comp. Laws § 750.529a, following a jury trial in the Oakland County Circuit Court and was sentenced to ten to forty years imprisonment in 2007. In the instant action, Petitioner raises claims alleging that the admission of a telephone threat violated his confrontation rights, that trial counsel was ineffective for failing to object to such evidence, that the prosecutor engaged in misconduct, that the trial court erred in instructing the jury, and that trial and appellate counsel were ineffective in various respects.

Petitioner has previously filed a federal habeas action challenging the same conviction and raising the same claims in this court. *See Goosby v. Bell*, No. 09-11995 (E.D. Mich. June 25, 2009) (Tarnow, J.). A suit is duplicative and subject to dismissal if the claims, parties, and available relief do not significantly differ between the two actions. *See, e.g., Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999) (internal citations omitted). Here, Petitioner's habeas petition

challenges the same conviction, raises the same claims, and seeks the same relief as his previously-filed petition. Consequently, the present petition is subject to dismissal as a duplicate petition. *See, e.g., Flowers v. Trombley*, No. 06-10726, 2006 WL 724594 (E.D. Mich. Mar. 17, 2006); *Harrington v. Stegall*, No. 02-70573, 2002 WL 373113 (E.D. Mich. Feb. 28, 2002). *See also Davis v. United States Parole Comm'n*, 870 F.2d 657 (table), 1989 WL 25837, at *1 (6th Cir. Mar. 7, 1989) (stating that a district court may dismiss a habeas petition as duplicative of a pending habeas petition when the second petition is essentially the same as the first petition).

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED AS DUPLICATIVE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 11, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 11, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS